

REMARKS

Claims 66-124 are pending. Claims 67-89, 91, 92, 94-111, and 114-124 have been withdrawn from consideration. Claim 112 has been cancelled without prejudice or disclaimer. Claims 66 and 113 have been amended. Reconsideration is respectfully requested in view of the following remarks.

Claim 112 was rejected under 35 USC §102(b) as being anticipated by Heider (U. S. Patent No. 5,599,895). Claim 112 has been cancelled. Thus, this rejection has been rendered moot.

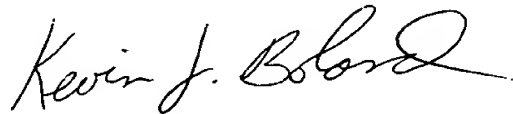
Claims 66, 90, and 113 were rejected under 35 USC §103(a) as being unpatentable over Haimerl in view of Heider. Moreover, claim 93 was rejected under 35 USC §103(a) as being unpatentable over the references as applied to claims 66, 90, and 113, further in view of Hung. Applicants respectfully request that these rejections be withdrawn.

Claims 66 and 113 have been amended to specifically claim that the reactive hot-melt adhesive is in direct contact with the functional-layer end region of the claimed footwear. Furthermore, it is also claimed that this reactive hot-melt adhesive which is in direct contact with the functional-layer end region brings about waterproofness when in the fully reactive state. Haimerl shows a waterproof shoe construction. However, in the case of Haimerl, the adhesive (26) is solely used to connect the sole (14) to the marginal strip (12b), not to provide a waterproof seal to the shoe. Although Haimerl states that the connection is "in a waterproof manner," this waterproofness is not achieved by the adhesive. Stated succinctly, in no way is the adhesive (26) in contact with the end region of the waterproof lining (16) (i.e. the functional layer). As can be seen from, for example, the figures of the present application, the claimed reactive hot-melt adhesive of the present invention is in direct contact with the outsole and the functional layer, thus directly adhering together the outsole and functional layer in a waterproof manner.

Thus, it is clear that the presently claimed invention, among other things, does away with an essential part of the prior art, namely, the marginal strip of Haimerl. Applicants submit that there is nothing in the prior art which discloses or would suggest this modification of Haimerl. Accordingly, applicants submit that the presently claimed invention is patentable over the prior art.

Should the Office have any questions, the Office is invited to telephone applicants' undersigned representative.

Respectfully submitted,

A handwritten signature in black ink, reading "Kevin J. Boland". The signature is fluid and cursive, with a large, stylized "K" and "B".

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